



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,887	01/25/2001	Andrea Bimson	40655.0400	5480

7590 06/14/2005

Howard I. Sobelman
Snell & Wilmer, L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AR 85004-2202

EXAMINER

HUYNH, THU V

ART UNIT PAPER NUMBER

2178

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,887

Applicant(s)

BIMSON ET AL.

Examiner

Thu V Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) 1-6 and 14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: RCE and amendment filed on 04/19/2005 to application filed on 12/25/2001, which has the benefit of prior provisional filed on 01/27/2000.
2. Claims 7-13 are canceled.
3. Claims 1 and 14 are amended.
4. Claims 1-6 and 14 are pending in the case. Claims 1 and 14 are independent claims.
5. Rejections in the previous office action have been withdrawn in view of RCE and the amendment.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. **Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardo et al., US 6,684,369 B1, filed 1997, and Dabney et al., US 6,643,663 B1, filed 10/1999.**

Regarding independent claim 1, Bernardo teaches managing web contents from many web site's companies, including the steps of:

Art Unit: 2178

- receiving, at a content management application, a request to create updated content for a content page within said company website (Bernardo, col.7, lines 14-16; col.8, lines 29-35; col.9, lines 48-64; col.10, lines 55-61; receiving a request to create, edit/update a web site, such as editing/updating or adding images, logos, text, graphics, and other object/content in a web page of a company website);
- creating said updated content according to said request (Bernardo, col.3, lines 29-38; col.6, lines 32-56; col.8, lines 1-37; col.9, lines 48-64; col.10, lines 55-61; creating edited/updated content that comprises objects, such as images, logos, text, graphics, etc.);
- storing said updated content in a database, wherein said updated content is decoupled from said content page (Bernardo, col.10, lines 19-32; each object in the web site contains an associated profile document; changing a company logo in the profile document, resulting automatically update each page of the web site associated with the profile document. This inherently discloses that the logos (objects) must be decoupled from said content page);
- creating an updated content page, wherein said updated content page comprises content mapping data which includes instructions for mapping to said updated content (Bernardo, col.6, lines 44-56; col.8, lines 1-12; col.10, lines 14-16; generating an HTML file comprises content mapping data for incorporating relationships for the updated content page); and

Art Unit: 2178

- publishing said markup language file to said company website upon receiving approval of said updated content from said reviewer (Bernardo, col.9, lines 15-22; col.12, lines 1-10; col.23, lines 20-48).

Bernardo teaches databases 116 and 148 for storing non-HTML objects and html objects respectively so that a user is able request both html object and non-HTML object (Bernardo, fig.1; col.5, line 51 – col.6, line 22; col.9, lines 24-47). However, Bernardo does not explicitly disclose storing said updated content in a database globally accessible by a reviewer.

Dabney teaches

- storing said updated content in a database globally accessible by a reviewer, wherein said updated content is decoupled from said content page (Dabney, col.5, line 63 – col.6, line 34; storing edited content data in a database so that a reviewer is able to review and edit the data before using in a web page).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Dabney into Benardo to store data/objects into a database accessible by a reviewer, since the combination would have allowed the reviewer to review a particular object on a completed web page (Bernardo, col.12, lines 6-10) as well as review the particular object or non-web object only (Dabney, col.6, lines 20-32; Bernardo, col.6, lines 15-21).

Claim 14 is for a computer readable medium containing instructions for performing the method of claim 1 and is rejected under the same rationale.

8. **Claims 2-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Art Unit: 2178

over **Bernardo in view of Dabney** as applied to claim 1 above, and further in view of **Livingston**, US 6,424,979, filed 1998.

Regarding dependent claim 2, which are dependent on claim 1, Bernardo does not explicitly disclose said markup language file is in the extensible Markup Language (XML) format.

Livingston teaches markup language comprise HTML and XML (Livingston, col.12, lines 20-23).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Livingston's markup languages into Bernardo's markup language to create, edit, or update content of a website, since the combination would have facilitated generating markup language process in both popular markup languages: HTML and/or XML.

Regarding dependent claim 3, which are dependent on claim 1, Bernardo teaches retrieving said markup language file from said database (Bernardo, col.23, lines 20-48; retrieving the updated web page from a link to review). However, Bernardo does not explicitly teach translating said markup language file from a first markup language format to a second markup language format for presentation on said company web site.

Livingston teaches translating said markup language file from a first markup language format to a second markup language format for presentation on said company web site (Livingston, col.11, lines 34-36 and col.12, lines 20-23).

Art Unit: 2178

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Livingston's markup languages into Bernardo's markup language to create, edit, or update content of a website, since the combination would have facilitated generating markup language process in both popular markup languages: HTML and/or XML.

Regarding dependent claim 5, which is dependent on claim 2, Bernardo teaches retrieving said markup language file from said database (Bernardo, col.23, lines 20-48; retrieving the updated web page from a link to review). However, Bernardo does not explicitly teach translating said markup language file from a first markup language format to an HTML format for presentation on said company website upon request by a user of said company.

Livingston teaches translating said markup language file from a first markup language format to an HTML format for presentation on said company website upon request by a user of said company (Livingston, col.11, lines 34-36 and col.12, lines 20-23; translating XML document to pre-selected HTML document).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Livingston's markup languages into Bernardo's markup language to create, edit, or update content of a website, since the combination would have facilitated generating markup language process in both popular markup languages: HTML and/or XML.

9. **Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Art Unit: 2178

Bernardo in view of Dabney as explained in claim 1 above, and further in view of Bi et al., US 6,311,178 B1, filed 09/1998 and Branson US 5,877,819, filed 04/1998.

Regarding dependent claim 4, which is dependent on claim 1, Bernardo does not explicitly teach storing said markup language file includes storing said markup language file in an extensible database that is platform and software independent.

Bi teaches extensible database used to serve client requests (Bi, col.8, lines 45-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Bi and Bernardo to include an extensible database, since this would have allow the client/user request or queries as Bi disclosed.

However, Bi does not explicitly disclose a database that is platform and software independent.

Branson teaches database that is platform and software independent (Branson, col.28, lines 4-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Branson's database into Bi and Bernardo to provide a database that is platform and software independent, since this would allowed to only change the software drivers that control devices that are added or removed from the system as Branson disclosed.

Regarding dependent claim 6, which is dependent on claim 2, Bernardo does not explicitly disclose storing said markup language file includes storing said markup language file

Art Unit: 2178

in an extensible database that is platform and software independent, wherein said markup language file is an XML file.

Bi teaches extensible database used to serve client requests (Bi, col.8, lines 45-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Bi and Dodrill to include an extensible database, since this would have allow the client/user request or queries as Bi disclosed.

However, Bi does not explicitly disclose a database that is platform and software independent.

Branson teaches database that is platform and software independent (Branson, col.28, lines 4-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Branson's database into Bi and Bernardo to provide a database that is platform and software independent, since this would allowed to only change the software drivers that control devices that are added or removed from the system as Branson disclosed.

Response to Amendment

Response to Arguments

10. Applicant's arguments filed on 04/19/2005 have been fully considered but they are ^{unavailing} moot in new ground of rejection(s).

Applicants argue that "amendments contained in their Reply to Office Action dated September 27, 2004 did not necessitate the new grounds of rejection this Final Office action".

Examiner disagrees. The amendment filed on 09/27/2004 adds new claims 11-14 and many features into independent claim 1. The rejections in previous office action of the amendment have been withdrawn as necessitated in view of the amendment. The amendment necessitated the new grounds of rejections. Therefore it is proper that the action in new grounds of rejection is made final. See MPEP § 706.07(a).

Applicants argue with respect to claims 1 and 15 that Bernardo does not disclose or suggest “storing said updated content in a database globally accessible by a reviewer, wherein said updated content is decoupled from said content page”.

However, the combination of Dabney and Bernardo teaches this limitation as explained in the rejection above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gill et al., US 6,052,514, filed 1995, teaches distributed publication system.

Plantz et al., US 6,088,702, filed 1998, teaches group publishing system.

Skok, US 2002/0091725 A2, filed 1998, teaches method for providing client based web page content creation and management.

Art Unit: 2178

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH
June 6, 2005

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
6/9/2005